

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on January 16, 2007 at 7:00 p.m. after a 6:30 p.m. caucus session.

Mayor White presiding.

Mayor White led the Pledge of Allegiance.

The following members of the Council answered roll call in person: YEA Commissioner David Cline, YEA Commissioner Randy Ervin, YEA Commissioner Joseph McKenzie, YEA Commissioner David Schilling, YEA Mayor Charles E. White.

Also in attendance in person were City personnel: City Attorney/Treasurer J. Preston Owen, Public Works Director David Wortman, Deputy Fire Chief Andy Adair, Police Chief Larry Metzelaars, Community Development Coordinator Kyle Gill, Technology Coordinator Brian Johanpeter, Administrative Assistant Judy Winn, and City Clerk Susan O'Brien.

**CONSENT AGENDA:**

*Items listed on the Consent Agenda are considered to be routine in nature and will be enacted by one motion. Prior to asking for a motion to approve the Consent Agenda, the mayor will ask if anyone desires to remove an item from the Consent Agenda for public discussion. No separate discussion of these items will occur unless a Council Member requests the item to be removed from the Consent Agenda. If an item is removed from the Consent Agenda, it will be considered elsewhere on the agenda for this meeting.*

Mayor White seconded by Commissioner Schilling moved to approve the consent agenda as follows: minutes of the regular meeting January 2, 2007; Fire, Police and Revenue reports for the month of December and Fire Annual Report; payroll and bills for the first half of January.

**Bills and Payroll for the first half of January, 2007**

**General Fund**

Payroll		\$ 253,000.18
Bills		\$ 848,619.86
	Total	\$ 1,101,620.04

**Hotel Tax Fund**

Payroll		\$ 1,706.54
Bills		\$ 1,448.38
	Total	\$ 3,154.92

**Festival Management Fund**

Bills		\$ 3,533.00
	Total	\$ 3,533.00

**Insurance & Tort Judgment**

Bills		\$ 7,641.76
	Total	\$ 7,641.76

**Midtown TIF Fund**

Bills		\$ 1,000.00
	Total	\$ 1,000.00

**Capital Project Fund**

Bills		\$ 1,243.09
	Total	\$ 1,243.09

**Water Fund**

Payroll		\$ 25,845.15
Bills		\$ 216,000.98
	Total	\$ 241,846.13

**Sewer Fund**

Payroll		\$ 22,838.02
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Bills		<u>\$ 377,451.09</u>
	Total	\$ 400,289.11
	<b><u>Cemetery Fund</u></b>	
Payroll		\$ 2,912.18
Bills		<u>\$ 3,310.44</u>
	Total	\$ 6,222.62
	<b><u>Revolving Loan Fund</u></b>	
Bills		<u>\$ 1,021.00</u>
	Total	\$ 1,021.00
	<b><u>Health Insurance</u></b>	
Bills		<u>\$ 94,076.15</u>
	Total	\$ 94,076.15
	<b><u>Motor Fuel Tax Fund</u></b>	
Bills		<u>\$ 24,055.83</u>
	Total	\$ 24,055.83

Mayor White declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

**PUBLIC PRESENTATIONS, PETITIONS AND COMMUNICATIONS**

*This portion of the City Council meeting is reserved for persons who desire to address the Council. The Illinois Open Meeting Act mandates that the City Council may NOT take action on comments received on matters that have not been identified on this agenda, but the Council may direct staff to address the topic or refer the matter for action on the agenda for another meeting. Persons addressing the Council are requested to limit their presentations to three minutes and to avoid repetitious comments.*

Mr. Clifford Nale requested a variance from the City to allow the topping of trees not allowed by current ordinance located on his properties at 1212 and 1215 Richmond. Mayor White directed Commissioner McKenzie and Director Wortman to handle the inquiry.

Commissioner McKenzie commended the Public Works Department for two years without a lost-time accident while operating with fewer employees since early retirement was offered, and made a presentation of a Recognition Award to the Public Works Department for No-Lost-Time Accident in two years to AFSCME representatives Kenny Cook, President, and Kenny Coffey. Commissioner Ervin acknowledged the efforts of installing the new street signs.

Mrs. Aneita Trame of the Mattoon Middle School introduced the Student Reading Committee and their “Ready to Read Across Mattoon” Reading Program. The Committee challenged Mattoon to read their selection: ABDUCTION! by Peg Kehret.

Clerk O’Brien read the proclamation recognizing February 2, 2007 as National Wear Red Day, celebrating progress in women’s heart health.

**NEW BUSINESS**

Commissioner McKenzie seconded by Commissioner Cline moved to approve Council Decision Request 2007-706, reporting bids received, awarding procurements valued at \$172,039 for materials and services for the 2007 Street Maintenance (07-00000-00-GM) program, authorizing the mayor to sign all documents. [NeCo Asphalt – Oil and Chip - \$132,051; Charleston Stone – crushed stone - \$3,927; Clay Co. – Joint Sealant \$20,880; A. J. Walker – PCC Concrete - \$15,181]

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Ervin moved to approve Council Decision Request 2007-707, awarding the bid for the squad car video solution and options to L-3 Communications of Boonton, New Jersey in the amount of \$79,801.92 with Department of Justice Federal Sharing Funds (Omega Fund).

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner McKenzie moved to adopt Resolution 2007-2679, declaring that 0.16 acres of real estate at Lake Mattoon surplus as it is no longer necessary or required for use of the municipality, and authorizing the management staff to negotiate for a contract proposal to sell this parcel.

**CITY OF MATTOON, ILLINOIS**

**RESOLUTION NO. 2007-2679**

**A RESOLUTION DECLARING THAT 0.16 ACRES OF REAL ESTATE AT LAKE MATTOON IS NO LONGER NECESSARY OR REQUIRED FOR USE OF THE MUNICIPALITY AND AUTHORIZING THE MANAGEMENT STAFF TO NEGOTIATE FOR A CONTRACT PROPOSAL TO SELL THIS REAL ESTATE**

**WHEREAS**, in the 1950's the City of Mattoon purchased large parcels of land in Coles, Cumberland and Shelby Counties for the purposes of establishing Lake Mattoon; and

**WHEREAS**, after the construction of Lake Mattoon some small tracts of the large parcels remained unused and were isolated by the lake and parcels of land owned by other landowners; and

**WHEREAS**, the tract of land described below is one of those tracts; and

**WHEREAS**, there has been an appraisal of this tract, which includes a survey, and it is attached hereto and incorporated herein by this reference; and

**WHEREAS**, the adjacent landowner desires to acquire a fee simple interest in said real estate.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, as follows:

**Section 1.** Pursuant to procedures prescribed by state statute (65 ILCS 5/11-76-4.1), a finding is hereby made by the City Council that the following described real estate at Lake Mattoon is no longer necessary or required for the use of the municipality.

A part of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section Thirty-six (36), Township Eleven (11) North, Range Six (6) East of the Third Principal Meridian being more particularly described as follows:

Commencing at the northwest corner of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section Thirty-six (36), Township Eleven (11) North, Range Six (6) East of the Third Principal Meridian; thence azimuth 180 degrees 18 minutes 54 seconds (based on previous local surveys) along the west line of said Quarter-Quarter (¼-¼) a distance of 794.0 feet to the northeast corner of Lot One (1) of Lake Hills Subdivision, Shelby County, Illinois and the point of beginning; thence azimuth 91 degrees 8 minutes 10 seconds along the extension of the north line of said Lot One (1) a distance of 76.40 feet; thence azimuth 180 degrees 12 minutes 36 seconds a distance of 25.21 feet thence azimuth 224 degrees 45 minutes 53 seconds a distance of 11.79 feet; thence azimuth 210 degrees 21 minutes 45 seconds a distance of 39.58 feet; thence azimuth 198 degrees 16 minutes 38 seconds a distance of 42.90 feet; thence azimuth 215 degrees 15 minutes 18 seconds a distance of 27.41 feet; thence azimuth 239 degrees 6 minutes 56 seconds a distance of 7.41 feet; thence azimuth 171 degrees 18 minutes 15 seconds a distance of 8.71 feet; thence azimuth 245 degrees 33 minutes 20 seconds a distance of 15.92 feet to the east line of said Lot One (1); thence azimuth 0 degrees 18 minutes 54 seconds along said east line a distance of 151.37 feet to the point of beginning, situated in Ash Grove Township, Shelby County, Illinois and containing 7119 square feet (0.16 acres) more or less.

**Section 2.** Its fair market value has been determined to be \$3,560 by a written appraisal prepared by a licensed real estate appraiser that is available for public inspection. The property is currently vacant and is impaired by a lack of accessibility.

**Section 3.** The management staff of the municipality is hereby authorized to negotiate for a contract proposal to sell said real. Any such contract negotiated shall be subject to ratification by the City Council.

**Section 4.** The city clerk is directed to publish a copy of this resolution at the first opportunity following its adoption and approval by the City Council.

Upon motion by Commissioner Schilling , seconded by Commissioner McKenzie, adopted this 16<sup>th</sup> day of January, 2007, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,  
Commissioner McKenzie, Commissioner Schilling,  
Mayor White  
NAYS (Names): None  
ABSENT (Names): None

Approved this 16<sup>th</sup> day of January, 2007.

/s/ Charles E. White  
Charles E. White, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on January 17, 2007.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner Cline moved to adopt Special Ordinance 2007-1192, authorizing the sale of Lot 35 in Lake Paradise Subdivision to Ed and Ann Austin, current owners of a home on leased premises at Lot 35, Lake Paradise Subdivision, and authorizing the Mayor to sign all documents necessary to complete the transaction. (Commonly known as 2431 East County Road 315 North).

## CITY OF MATTOON, ILLINOIS

### **SPECIAL ORDINANCE NO. 2007-1192**

#### **SPECIAL ORDINANCE: AUTHORIZING THE SALE OF LOT 35 IN LAKE PARADISE SUBDIVISION TO ED AND ANN AUSTIN, CURRENT OWNERS OF A HOME ON LEASED PREMISES AT LOT 35, LAKE PARADISE SUBDIVISION, AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION. (COMMONLY KNOWN AS 2431 EAST COUNTY ROAD, 315 NORTH)**

**WHEREAS**, state statute (65 ILCS 5/11-76-4.1) enables the corporate authorities to accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

**WHEREAS**, by Resolution 2006-2642, adopted March 21, 2006, the City Council made a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

**WHEREAS**, said resolution authorized the management staff to solicit offers for the sale of this real estate provided that any such sale shall be subject to ratification by a special ordinance of the City Council; and

**WHEREAS**, Ed and Ann Austin have made an offer to purchase the property for \$7,300.00; and

**WHEREAS**, Ed and Ann Austin own the home located on the property; and

**WHEREAS**, Stanley D. Gordon, CREA of Gordon Appraisal Service, Inc. determined \$7,300.00 was the fair market value of the real estate as of January 8, 2007, a copy of which is attached hereto and incorporated herein by this reference; and

**WHEREAS**, The City has undertaken to have the property subdivided, appraised and has had the title insurance covering the property updated and the purchasers are willing to pay their share of those costs; and

**WHEREAS**, the City Attorney has prepared a Real Estate Sales Contract that is attached to the Special Ordinance and incorporated herein by this reference.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, as follows:

**Section 1.** The city attorney is authorized to prepare closing documents and the mayor and city clerk are authorized to sign documents conveying a warranty deed to the real estate described in Section 3 of this ordinance to Ed and Ann Austin, subject to a payment of \$7,300.00. The purchase price will be due at closing.

**Section 3.** The real estate to be conveyed pursuant to this ordinance is legally described as:

Lot 35 in Lake Paradise Subdivision, Unincorporated Coles County, Illinois.

**Section 4.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

**Section 5.** This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Schilling, seconded by Commissioner Cline, adopted this 16th day of January, 2007, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,  
Commissioner McKenzie, Commissioner Schilling,  
Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 16th day of January, 2007.

/s/Charles E. White  
Charles E.

White, Mayor  
Coles County, Illinois

City of Mattoon,

ATTEST: APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on January 17, 2007.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner Ervin moved to adopt Special Ordinance 2007-1193, authorizing the sale of Lot 94 in Lake Paradise Subdivision to Richard Zimny, current owner of a home on leased premises at Lot 94, Lake Paradise Subdivision, and authorizing the Mayor to sign all documents necessary to complete the transaction. (Commonly known as 1878 Scenic Lane).

**CITY OF MATTOON, ILLINOIS**

**SPECIAL ORDINANCE NO. 2007-1193**

**SPECIAL ORDINANCE: AUTHORIZING THE SALE OF LOT 94 IN LAKE PARADISE SUBDIVISION TO RICHARD**

**ZIMNY, CURRENT OWNER OF A HOME ON LEASED PREMISES AT LOT 94, LAKE PARADISE SUBDIVISION,  
AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE  
TRANSACTION. (COMMONLY KNOWN AS 1878 SCENIC LANE)**

**WHEREAS**, state statute (65 ILCS 5/11-76-4.1) enables the corporate authorities to accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

**WHEREAS**, by Resolution 2006-2642, adopted March 21, 2006, the City Council made a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

**WHEREAS**, said resolution authorized the management staff to solicit offers for the sale of this real estate provided that any such sale shall be subject to ratification by a special ordinance of the City Council; and

**WHEREAS**, Richard Zimny has made an offer to purchase the property for \$18,000.00; and

**WHEREAS**, Richard Zimny owns the home located on the property; and

**WHEREAS**, Stanley D. Gordon, CREA of Gordon Appraisal Service, Inc. determined \$18,000.00 was the fair market value of the real estate as of November 14, 2006, a copy of which is attached hereto and incorporated herein by this reference; and

**WHEREAS**, The City has undertaken to have the property subdivided, appraised and has had the title insurance covering the property updated and the purchasers are willing to pay their share of those costs; and

**WHEREAS**, the City Attorney has prepared a Real Estate Sales Contract that is attached to the Special Ordinance and incorporated herein by this reference.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, as follows:

**Section 1.** The city attorney is authorized to prepare closing documents and the mayor and city clerk are authorized to sign documents conveying a warranty deed to the real estate described in Section 3 of this ordinance to Richard Zimny, subject to a payment of \$18,000.00. The purchase price will be due at closing.

**Section 3.** The real estate to be conveyed pursuant to this ordinance is legally described as:

Lot 94 in Lake Paradise Subdivision, Unincorporated Coles County, Illinois.

**Section 4.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

**Section 5.** This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Schilling, seconded by Commissioner Ervin, adopted this 16th day of January, 2007, by a roll call vote, as follows:

AYES (Names):            Commissioner Cline, Commissioner Ervin,  
                                  Commissioner McKenzie, Commissioner Schilling,  
                                  Mayor White  
NAYS (Names):            None  
ABSENT (Names):         None

Approved this 16th day of January, 2007.

/s/ Charles E. White  
Charles E.

White, Mayor  
Coles County, Illinois

City of Mattoon,

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

Susan J. O'Brien, City Clerk

/s/J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on January 17, 2007.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner McKenzie moved to approve Council Decision Request 2007-708, approving the specifications for bullet proof vests for officers of the Mattoon Police Department.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Ervin seconded by Commissioner Cline moved to approve Council Decision Request 2007-709, approving \$35,000 in grants by the Tourism Advisory Committee from hotel/motel tax funds in the amounts of: \$25,000 to the Mattoon Pride Softball for use in hosting five softball tournaments in 2007; \$10,000 to the Mattoon Beach Multi-Sport Triathlons for hosting five events in 2007.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Schilling moved to recess to closed session at 7:31 p.m. pursuant to the Illinois Open Meetings Act for the purpose of considering the price for sale or lease of property (5 ILCS 120(2)(c)(6)); the purchase or lease of real property (5 ILCS 120(2)(c)(5)); litigation affecting or on behalf of the City of Mattoon (5 ILCS 120/2(c)(11)); and discussion of minutes of meeting lawfully closed for purposes of the semi-annual review as mandated by Section 2.06 (5 ILCS 120(2)(c)(21)).

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Council reconvened at 7:50 p.m.

Mayor White seconded by Commissioner Ervin moved to approve the release of all Executive Session minutes from May 3, 1991 through December 19, 2006, except for May 3, 16, 23, 1991; May 19, 1992; August 8, 2002; March 18, 2003; April 1, 2003; March 2, 16, 2004; July 7, 2004; August 3, 17, 2004; September 7, 2004; October 19, 2004; December 21, 2004; March 1, 15, 2005; April 5, 19, 2005; May 3, 2005; June 7, 21, 2005; July 6, 19, 2005; August 2, 2005; September 6, 2005; October 4, 2005; March 21, 2006; April 4, 2006; June 6, 20, 2006; July 18, 2006; August 1, 2006; September 5, 19, 2006; October 3, 2006; November 7, 21, 2006; December 5, 19, 2006; and to approve the destruction of Executive Session verbatim records that have been approved for release in written form as follows: July 20, September 21, October 5, November 16, December 7, 2004; and February 15, June 1, 2005.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Schilling moved to adjourn at 7:51 p.m.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

/s/ Susan J. O'Brien  
City Clerk

The City Council of the City of Mattoon held a special meeting in the Council Chambers at City Hall on January 30, 2007 at 8:00 a.m.

Mayor White presiding.

Mayor White led the Pledge of Allegiance.

The following members of the Council answered roll call in person: YEA Commissioner David Cline, YEA Commissioner Randy Ervin, YEA Commissioner Joseph McKenzie, YEA Commissioner David Schilling, YEA Mayor Charles E. White.

Also in attendance in person were City personnel: City Administrator Alan Gilmore, City Attorney/Treasurer J. Preston Owen, Public Works Director David Wortman, Police Chief Larry Metzelaars, Fire Chief Michael Chism, Community Development Coordinator Kyle Gill, and City Clerk Susan O'Brien.

**NEW BUSINESS:**

Mayor White requested Attorney/Treasurer Owen to elaborate on the motion before the Council. Attorney/Treasurer Owen gave the background on the search for an alternative electricity provider, which was certified within Amerencips' service area, due to the increased rates of Amerencips. The "buying group" consisted of City of Mattoon, City of Charleston, Mattoon and Charleston School Districts, and Coles County.

Bids are guaranteed only for the date of the bid. Council discussed the options, coverage, and municipality's special rate with Attorney/Treasurer Owen, Director Wortman, and Herb Meeker of the Journal Gazette.

Mayor White seconded by Commissioner Schilling moved to approve Council Decision Request 2007-711, approving and authorizing the Mayor to act as the agent for the City of Mattoon and negotiate, accept and sign any and all documents necessary to bind the City of Mattoon for the acquisition of power for use by the City of Mattoon for the period ending in May 2008, so long as the charges for the power are less than those charged by AmerenCIPS.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Ervin moved to adjourn at 8:10 a.m.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

/s/ Susan J. O'Brien  
City Clerk